

substitute Resolution

04-R032

**AN AMENDED RESOLUTION**

**BY COUNCIL**

**A RESOLUTION AUTHORIZING THE RENEWAL AND AMENDMENT OF THE CONSULTING SERVICES AGREEMENT WITH JOHN BOATRIGHT (BOATRIGHT AVIATION CONSULTANTS, INC.), FOR THE FIRST RENEWAL TERM FROM FEBRUARY 1, 2004, THROUGH JANUARY 31, 2005, IN AN AMOUNT NOT TO EXCEED TWO HUNDRED TWENTY EIGHT THOUSAND FOUR HUNDRED TWENTY TWO DOLLARS (\$228,422), TO BE CHARGED TO AND PAID FROM FUND ACCOUNT CENTER NUMBER 2H21 524001 R21E10409999; AND FOR OTHER PURPOSES.**

**WHEREAS**, Hartsfield-Jackson Atlanta International Airport has undertaken the Hartsfield-Jackson Development Program (H-JDP), a \$5.4 Billion program to be implemented by 2010; and

**WHEREAS**, the Council of the City did approve Boatright Aviation Consultants, Inc. to serve as the Project Officer for the H-JDP pursuant to Resolution 02-R-2120, adopted January 21, 2003, and approved by the Mayor January 28, 2003; and


**WHEREAS**, the City of Atlanta did enter into a Consulting Services Agreement ("Agreement") with Boatright Aviation Consultants, Inc., as authorized by Resolution 02-R-2120; and

**WHEREAS**, the Agreement grants to the City options to renew it for additional one-year terms; and

**WHEREAS**, the Aviation General Manager has reviewed Boatright Aviation Consultants, Inc., performance under the Agreement and has recommended to the City's Department of Procurement that the Agreement be renewed for an additional one-year term, commencing February 1, 2004, and continuing through and including January 31, 2005.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA**, that the Mayor or her designee is authorized to execute with Boatright and/or his affiliate, Boatright Aviation Consultants, Inc., a First Renewal and Amendment of Consulting Services Agreement (in a form substantially similar to that attached as Exhibit 1):

1. renewing the Agreement for an additional one-year term, commencing February 1, 2004, and continuing through and including January 31, 2005, for a not to exceed amount of \$228,422, with the cost to the City to be charged to and paid from Fund Account Center No. 2H21 524001 R21E10409999; and
2. deleting the requirements in Section 11.4 of the Agreement for the provision by Boatright of certain insurance coverages for offsite activities;

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3. amending Exhibit 2 of the Agreement to expand the scope of Boatright's services to include negotiations, claims mitigation and resolution, as may be delegated by the Aviation General Manager from time to time.

**BE IT FURTHER RESOLVED**, that the First Renewal and Amendment of Consulting Services Agreement will not be binding upon the City and the City will incur no liability under it until it has been executed by Boatright and/or his affiliate, delivered to the City, executed by the Mayor, attested to by the Municipal Clerk, approved by the City Attorney as to form and returned to Boatright.

**BE IT FURTHER RESOLVED**, that the Chief Financial Officer is authorized to pay all invoices under the First Renewal and Amendment of Consulting Services Agreement out of Fund Account Center Number 2H21 524001 R21E10409999, in accordance with the terms of the Agreement.

A true copy,

*Rhonda Dauphin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

FEB 02, 2004  
FEB 10, 2004

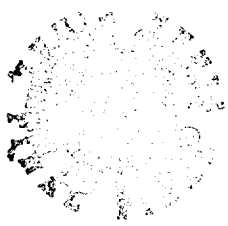


Exhibit 1

## **FIRST RENEWAL AND AMENDMENT OF CONSULTING SERVICES AGREEMENT**

This **FIRST RENEWAL AND AMENDMENT OF CONSULTING SERVICES AGREEMENT** ("Renewal Agreement") is entered into effective the \_\_\_\_ day of \_\_\_\_\_, 2004, between the city of Atlanta, a Georgia municipal corporation (the "City"), and John Boatright, an individual resident of Fayette County, Georgia ("Boatright") (the City and Boatright may be referred to individually as a "Party" or collectively as the "Parties").

### **BACKGROUND:**

The City and Boatright previously entered into a Consulting Services Agreement (the "Agreement") pursuant to which Boatright provides consulting services for the Hartsfield-Jackson Development Program (the "H-JDP"), a \$5.4 Billion project to be implemented by 2010; and

The Agreement provides the City with an option to renew it during 2004 for an initial 1 year period, commencing effective February 1, 2004, and ending January 31, 2005; and

The City has determined it is desirable and in the best interests to renew the Agreement for this additional 1 year term; and

By resolution adopted by the City's Council on the \_\_\_\_ day of \_\_\_\_\_, 2004, and approved by the Mayor on the \_\_\_\_ day of \_\_\_\_\_, 2004, attached as Exhibit 1, the Mayor was authorized to enter into this Renewal and Amendment of Consulting Services Agreement with Boatright;

### **AGREEMENT:**

Accordingly, the Parties mutually agree as follows:

1. The City and Boatright agree that the Agreement is renewed for an additional 1-year period, commencing February 1, 2004, and terminating January 31, 2005.
2. The first sentence of Section 6.1 "Compensation" of the Agreement is deleted in its entirety and replaced by the following: "For the performance of the Services, the City will compensate Boatright at the rate of \$228,422 per year. Compensation is to be paid monthly in installments of \$19,035.16 per month, upon the Aviation General Manager's approval of submitted invoices.
3. Sections 11.4.2.3, 11.4.3 "Worker's Compensation and Employer's Liability Insurance-Offsite Activities Only", 11.4.4 "Comprehensive General Liability Insurance-Offsite Activities Only" are deleted in their entirety.
4. Exhibit 2; Scope of Services is amended by adding after numbered Paragraph (5) a new numbered Paragraph (6)[and renumbering the prior Paragraph (6) accordingly] as follows:

- (6) Negotiating, mitigating and resolving claims and making recommendations to the Aviation General Manager concerning such activities.

5. Except as amended by this Renewal Agreement, the Agreement remains in full force and effect.
6. The Parties acknowledge and agree that Boatright may assign this Renewal Agreement to Boatright Aviation Consultants, Inc.

**THE CITY OF ATLANTA**

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**MUNICIPAL CLERK (SEAL)**

\_\_\_\_\_  
**JOHN BOATRIGHT**

\_\_\_\_\_  
**AVIATION GENERAL MANAGER**

\_\_\_\_\_  
**CHIEF FINANCIAL OFFICER**

\_\_\_\_\_  
**CHIEF PROCUREMENT OFFICER**

**RECOMMENDED:**

\_\_\_\_\_  
**CHIEF OPERATING OFFICER**

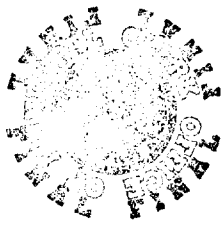
**RENEWAL AND AMENDMENT OF CONSULTING SERVICES AGREEMENT-**  
**PAGE 2**



APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

RENEWAL AND AMENDMENT OF CONSULTING SERVICES AGREEMENT-  
PAGE 3



**Exhibit 1; Resolution**

**RENEWAL AND AMENDMENT OF CONSULTING SERVICES AGREEMENT-**  
**PAGE 4**

RCS# 5382  
2/02/04  
3:02 PM

Atlanta City Council

Regular Session

04-R-0132      RENEWAL(1ST) CONSULTING SERV AGRMNT JOHN  
                 BOATRRIGHT 2/1/04 - 1/31/05 \$228,422.88  
                 ADOPT ON SUB

YEAS:    14  
NAYS:    0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT   0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard



04-*2*-0132  
(Do Not Write Above This Line)

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred To \_\_\_\_\_

TRANSPORTATION  
1/28/04  
Chair: *Debbie H. Hox*

Date \_\_\_\_\_

Chair \_\_\_\_\_

Action \_\_\_\_\_

Fav, Adv, Hold (see rev. side)

*Other* \_\_\_\_\_

Members \_\_\_\_\_

Fav, Adv, Hold (see rev. side)

*Other* \_\_\_\_\_

Members \_\_\_\_\_

BY TRANSPORTATION COMMITTEE  
A RESOLUTION AUTHORIZING THE RENEWAL OF THE CONSULTING SERVICES AGREEMENT WITH JOHN BOATRIGHT (BOATRIGHT AVIATION CONSULTANTS, INC.), FOR THE FIRST RENEWAL TERM FROM FEBRUARY 1, 2004, THROUGH JANUARY 31, 2005, IN AN AMOUNT NOT TO EXCEED TWO HUNDRED THIRTY FIVE THOUSAND DOLLARS (\$235,000.00), TO BE CHARGED TO AND PAID FROM FUND ACCOUNT CENTER NUMBER 2H21 524001 R21E10409999; AND FOR OTHER PURPOSES.

ADOPTED BY

FEB 02 2004

SUBSTITUTE *As Amended* COUNCIL.

- ☐ CONSENT REFER  
☐ REGULAR REPORT REFER  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER  
☐ PERSONAL PAPER REFER

Date Referred \_\_\_\_\_

Referred To: \_\_\_\_\_

Date Referred \_\_\_\_\_

Referred To: \_\_\_\_\_

Date Referred \_\_\_\_\_

Referred To: \_\_\_\_\_

FINAL COUNCIL ACTION

- ☐ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings  
☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

FEB 02 2004

MAYOR

*Mark S. Good*

CERTIFIED

FEB 02 2004

*Rachel Doughton Johnson*  
MUNICIPAL CLERK

APPROVED ACTION

FEB 10 2004

*Mark S. Good*  
MAYOR